

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTA R. SIMS, DESTINY M.
HARDGE and ISIAH SIMS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LORI HARDGE,

Respondent-Appellant,

and

MYRON HARDGE, SR.,

Respondent.

UNPUBLISHED

May 25, 2001

No. 229965

Wexford Circuit Court

Family Division

LC No. 99-014360-NA

Before: McDonald, P.J., and Smolenski and K.F. Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g).¹ We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Where termination of parental rights is sought, the existence of a statutory ground for termination must be established by clear and convincing evidence. MCR 5.974(A), (F)(3); *In re Bedwell*, 160 Mich App 168, 173; 408 NW2d 65 (1987); see also MCL 712A.19b(1); MSA 27.3178(598.19b)(1). The trial court's findings of fact are reviewed for clear error. *In re Sours*,

¹ The trial court's opinion is not clear as to whether respondent's parental rights were also terminated under subsection (j). However, because we conclude that termination was warranted under §§ 19b(3)(c)(i) and (g), we need not determine whether the trial court also intended to terminate respondent's parental rights under § 19b(3)(j), or whether termination was factually appropriate under that subsection.

459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court finds at least one statutory ground for termination has been established by clear and convincing evidence, the trial court must terminate parental rights unless to do so is clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (1999).

The family court did not clearly err by finding that §§ 19b(3)(c)(i) and (g) were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence at trial established that respondent's mental illness interfered with her parenting to the extent that she frequently resorted to placing her children in foster care. The evidence also established that respondent failed to benefit from the therapy and medication services during the year preceding the termination proceeding and that she would likely resort to future foster care placements if her children were returned.

Respondent further contends that termination was not in the children's best interests, and that a long-term guardianship would have been a better option. There is no evidence on the record to support this contention. Because the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests, the trial court did not err in terminating her parental rights. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Gary R. McDonald
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly